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JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wiswesser, et al. Art Unit : 3723
Serial No. : 09/851,661 Examiner : Robert A. Rose
Filed : May 8, 2001
Title : METHOD AND APPARATUS FOR DETERMINING POLISHING ENDPOINT
WITH MULTIPLE LIGHT SOURCES

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF APRIL 19, 2004

Reconsideration of the above-identified application is respectfully requested in view of the following remarks.

REMARKS

Claims 1-23, 34, 36-41, 43, 45, and 55-58 are pending. Claim 1, 34, 36, 43, 45, and 58 are independent claims. Claims 1-2, 5, 14-15, 19-22, and 34 stand rejected under 35 U.S.C. Section 101 as claiming the same invention as that of claims 1-22 of U.S. Patent No. 6,190,234 B1 to Swedek et al. ("Swedek"). Claims 3-4, 6-13, 16-18, and 23 are objected to as being dependent upon a rejected base claim. Claim 36-41, 43, 45, and 55-58 are allowed.

STATUTORY DOUBLE PATENTING REJECTION

Section 804.II.A of the MPEP provides that in determining whether a statutory basis for a double patenting rejection exists, the question to be asked is: "Is the same invention (i.e., identical subject matter) being claimed twice?" Furthermore, the basis for a reliable test for

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 19, 2004
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